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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/573,163 | 02/28/2007 | Guido Bold | 33381-US-PCT | 6615 |
| 1095 | 7590 | 03/10/2009 | EXAMINER | |
| NOVARTIS | | | THOMAS, TIMOTHY P | |
| CORPORATE INTELLECTUAL PROPERTY | | | ART UNIT | PAPER NUMBER |
| ONE HEALTH PLAZA 104/3 | | | 1614 | |
| EAST HANOVER, NJ 07936-1080 | | | | |
| | | MAIL DATE | DELIVERY MODE | |
| | | 03/10/2009 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 10573163 | 2/28/2007 | BOLD ET AL. | 33381-US-PCT |

EXAMINER

TIMOTHY P. THOMAS

| | |
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| ART UNIT | PAPER |
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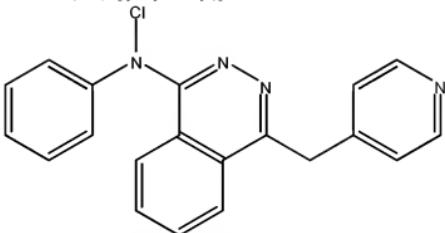
1614 20090306

DATE MAILED:

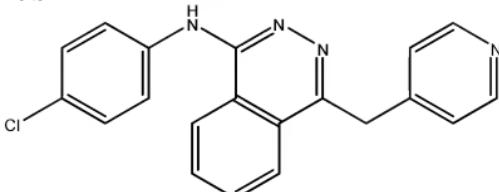
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Commissioner for Patents

1. The reply filed on 12/17/2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The election of the VEGF inhibitor 1-(chloroanilino)-4-(4-pyridylmethyl)phthalazine, along with the parenthetical designation (PTK787) refers to two different compounds, whereas the election requirement required the election of a single compound. The compound 1-(chloroanilino)-4-(4-pyridylmethyl)phthalazine has the structure:



In contrast, the specification at p. 38, 5th paragraph, indicates that PTK787, also known as Vatalanib, is the compound 1-(4-chloroanilino)-4-(4-pyridylmethyl)phthalazine, which has the structure:



Since these two compounds are different compounds, the election does not make clear which compound is being specified by the election. Applicant is required to specify a single VEGF inhibitor compound. See 37 CFR 1.111. Since the above-mentioned reply

appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **TIMOTHY P. THOMAS** whose telephone number is (571)272-8994. The examiner can normally be reached on Monday-Thursday 6:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached on (571) 272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ardin Marschel/
Supervisory Patent Examiner, Art Unit 1614

/Timothy P Thomas/
Examiner, Art Unit 1614